

U.S. DISTRICT COURT
UNITED STATES DISTRICT COURT - WI
EASTERN DISTRICT OF WISCONSIN.

JOYCE WHITAKER,

103 S. 16th
Milwaukee, WI
HIN: 324-9912

Plaintiff.

2012 OCT -3 PM 4:02

JON A. SANFILIPPO
CLERK

Case No.

12-C-1006

v.

MILWAUKEE COUNTY DHS,

and

STATE OF WISCONSIN DEPT. OF HEALTH SERVICES,

Defendants.

DISCRIMINATION COMPLAINT

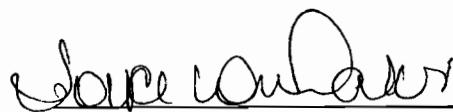
1. I am an adult that resides in Milwaukee County.
2. I have a disability, herniated and split lumbar disks in my back. I sustained the injury to my back while I worked as a Correction Officer for the County.
3. I began working for Milwaukee County on July 16, 2001 ^{9:10}. My most recent job was as an Economic Support Specialist.
4. I originally worked as a Correction Officer at the House of Corrections, but transferred to the Department of Human Services in February, 2006 because of my injury. My work was under the supervision of the State of WI Department of Health Services.
5. My most recent Supervisor was Vanessa Robertson.
6. Ms. Robertson was aware of my restrictions because she was the Supervisor in charge and she attended a meeting with Sue Chase (who works for the County in

placing injured workers), to discuss my restrictions, ability to work, and job placement.

7. I was harassed at work because of my disability by Ms. Robertson beginning in 2006. Ms. Robertson left Milwaukee County in 2007, but returned in approximately 2009. The discrimination picked up almost immediately upon her return to work.
8. Ms. Robertson would not reasonably accommodate my disability. My work restrictions were not abided by.
9. Ms. Robertson had animus against me because of my disability and tried to make my life at Milwaukee County very difficult. She treated me differently than other employees who did not have disabilities. For example, Ms. Robertson would refuse to allow me to go to the doctor. Additionally, she would not allow me to go to open enrollment for insurance purposes.
10. I filed an internal complaint about the harassment to Milwaukee County in November, 2009, but the problem was not resolved.
11. I had to go out on medical leave of absence on September 1, 2010. Ms. Robertson sent me a letter dated October 25, 2010 saying I would be terminated if I failed to return to work by November 8, 2010.
12. I was receiving cortisone shots and getting physical therapy at that time and still had pain. I needed a short amount of additional time to enable me to return to work.
13. I requested additional time off to heal and provided FMLA paperwork requesting same.

14. The Defendants would not consider giving me additional time off for my disability, and did not engage in any interactive dialogue about my needing additional time off. I was discharged when I was unable to return on the date the Defendant insisted upon.
15. Milwaukee County has a program for placing workers with disabilities in jobs that abide by their work restrictions, yet this program was not offered to me.
16. I filed a grievance regarding my discharge with my Union, but the Employer denied the grievance.
17. I timely filed a complaint with the EEOC regarding the discrimination.
18. I was issued my Right to Sue letter on 7/26/2012.
19. I believe I have been denied my rights under Title I of the Americans with Disabilities Act of 1990 by the Defendants' actions of not accommodating me, harassing me, and discharging me.
20. I have suffered significant monetary losses and damage to my mental well being as a result of the Defendants' discriminatory conduct.

Dated this 3 day of October, 2012.



Joyce Whitaker